

Notice of Allowability

Application No.

10/648,705

Examiner

Susanna M. Diaz

Applicant(s)

POSTREL, RICHARD

Art Unit

3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Applicant's response filed March 31, 2004.
2. ☒ The allowed claim(s) is/are 30-69 and 71-76.
3. ☒ The drawings filed on 25 August 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 3/31/04
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

Susanna Diaz
Susanna Diaz
Primary Examiner
A.U. 3623

ALLOWANCE

1. This Office action is responsive to Applicant's response filed March 31, 2004.

Claim 70 has been cancelled.

Claims 30 and 54 have been amended.

Claims 30-69 and 71-76 are pending and are allowable for the reasons discussed below.

2. The previously pending rejections under 35 U.S.C. 112, 2nd paragraph are withdrawn in response to Applicant's claim amendments and persuasive arguments.

The previously pending rejections under 35 U.S.C. 103(a) are withdrawn in response to Applicant's claim amendments and persuasive arguments.

Terminal Disclaimer

3. The terminal disclaimer filed on March 31, 2004 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of U.S. Patent No. 6,594,640 and U.S. Application No. 10/608,736 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Allowable Subject Matter

4. Claims 30-69 and 71-76 are allowed.
5. The following is an examiner's statement of reasons for allowance:

The following references have been identified by the Examiner as the closest prior art of record:

(1) MyPoints™ Program, as disclosed in the following references:

(a) Information about the MyPoints™ Program retrieved on July 26, 2002 from Internet

<URL:<http://web.archive.org/web/19980128231040/http://www.mypoints.com>>, herein referred to as MyPoints™ Program web site. This web site was archived by web.archive.org on January 28, 1998.

(b) Oberndorf, "Points for Loyalty," published December 1997.

(c) Riedman, "MyPoints Aims to Be Universal Web Currency," published August 18, 1997.

(2) Biorge et al. (U.S. Patent No. 5,806,045).

(3) Schlumberger Payflex card, as disclosed in the following references:

(a) "World's First Smart Card Frequent Flyer Scheme Debuts," published September 19, 1997.

(b) "Major Airlines Continue Their Smart Card Fly-bys," published January 1998.

(c) "Schlumberger: AOM's Smart Card Frequent Flyer Program Successfully Launched," published May 22, 1998.

(4) Walker et al. (U.S. Patent No. 6,128,599).

The MyPoints™ Program served as the principal art in the previously pending art rejection of record. Similar to the claimed invention, the MyPoints™ Program is a reward points accumulation and redemption program. Also, the MyPoints™ Program allows a user to gather points from different reward points issuing entities. All gathered points are accumulated in a universal account from which points may be redeemed through a trading server. However, unlike the claimed invention, MyPoints™'s users do not have control over which reward points are accumulated in the universal account; all MyPoints™'s reward points are accumulated in the universal account regardless of which reward points issuing entity issued the reward points. Neither the MyPoints™ Program nor any of the other aforementioned references teaches or suggests the novel aspects of the claimed invention which allow a user to maintain a separate reward points account with each of a plurality of reward points issuing entities and then selectively choose how many points and from which reward points account(s) to transfer to a reward exchange account on a trading server from which the transferred points are directly redeemed for an item won in an auction. These novel aspects are recited in claims 30-69 and 71-76; therefore, claims 30-69 and 71-76 are all deemed to be allowable over the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susanna M. Diaz whose telephone number is (703) 305-1337. The examiner can normally be reached on Monday-Friday, 9 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (703) 305-9643.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist whose telephone number is (703)308-1113.

Any response to this action should be mailed to:


**Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450**

or faxed to:

(703)305-7687 [Official communications; including
After Final communications labeled
"Box AF"]

(703)746-7048 [Informal/Draft communications, labeled
"PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 22202, 7th floor receptionist.


Susanna M. Diaz
Primary Examiner
Art Unit 3623
May 28, 2004